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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Legislative Action Pertaining to Security
Leaks

1. This memorandum is for information only.

2. At the instance of Mr. Robert Dechert, General Counsel, Department of Defense, a meeting was held on 12 February in the Office of Mr. Gerald D. Morgan, Special Counsel to the President. Also present were Mr. J. Walter Yeagley, First Assistant to the Assistant Attorney General, Internal Security Division, Department of Justice; Mr. Murray Snyder, Assistant Secretary of Defense for Public Affairs; Mr. Roger W. Jones, Assistant Director for Legislative Reference, Bureau of the Budget; Brig. Gen. A. J. Goodpaster, Staff Secretary to the President; various other legal assistants.

3. Mr. Dechert opened by giving examples of various stories appearing in the Press and magazines which were considered serious security leaks, including the

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He said he felt there must be some way of improving the law to provide for a crackdown on such publications and on those who leaked the story to them. Mr. Morgan then took the position that any attempt to obtain legislation which would provide for punitive measures against Press and magazines for publishing such stories would be politically impossible and Mr. Snyder agreed. Therefore, any legislative action in this direction was discarded.

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4. All agreed that the main problem lay with the Government employees who leaked the stories. The difficulty of determining the person or persons responsible was recognized. Mr. Yeagley said he could report the views of the Director of the Federal Bureau of Investigation, who felt that basically the problem was an administrative one not a criminal one and that it would normally be futile to bring the Federal Bureau of Investigation into an investigation after one of these leaks occurred. Mr. Snyder agreed generally but pointed out that the administrative problem became almost impossible when your personnel reached the millions and where often thousands had to have knowledge of an item of confidential information in order to get their jobs done. He felt as did all the others that if the law pertaining to disclosure by employees could be strengthened and prosecution and evidentiary problems simplified it would be beneficial and back up the administrative controls. I said I felt it was equally important to extend this to ex-employees and that also the espionage acts generally, which are now limited to U. S. territory and maritime jurisdiction, be given extraterritorial effect. Mr. Yeagley agreed. It was left that Messrs. Yeagley's and Dechert's offices would draft legislation pertaining to employees and ex-employees probably somewhat along the language of the specific atomic energy legislation. It was also agreed that the legislation recommended by the Wright Commission while aiming in the right direction was not suitable as drafted. Also it was felt generally that none of the several bills introduced into the Congress, particularly the Walter bill, were acceptable. This brought some pressure to bear as the Internal Security Committees or the House Committee on Un-American Activities may press for an administrative position in the near future.

5. I am sending some separate comments to Mr. Yeagley on extraterritoriality and on the possibility of providing injunctive authority for situations where people threaten to or are about to publish confidential information. The Atomic Energy Commission has such authority now. Mr. Morgan commented that he felt that the intelligence aspect should be specifically covered as well as the defense information problem.


LAWRENCE R. HOUSTON
General Counsel

MEMORANDUM FOR: THE DIRECTOR

A White House conference to discuss strengthening the laws about security leaks concluded that the only feasible action was to strengthen the law as it applied to Government employees who disclosed classified information. Details of this conference are in the attached memorandum.

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[Redacted Signature]
LAWRENCE R. HOUSTON
General Counsel

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